

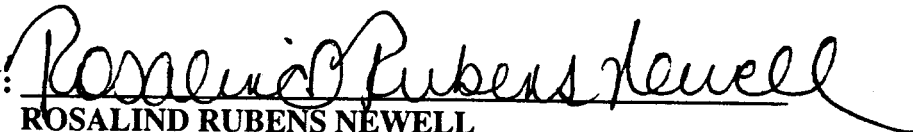
00-R -1734

Entered -02-22-00 - sb
CL 00L0079 - GWENDOLYN BURNS

CLAIM OF: PHILIP WELTNER
54 Olde Ivy Square
Atlanta, Georgia 30342

For vehicular damages alleged to have been sustained from a
construction cut that was left open and in an unsafe condition on
January 6, 2000 at 3412 Habersham Road NW.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0079

Date: October 18, 2000

Claimant /Victim PHILIP WELTNER, ESQ.
BY: (Atty) (Ins. Co.) _____
Address: 54 Olde Ivy Square, Atlanta, Georgia 30342
Subrogation: _____ Claim for Property damage \$ 39.90 Bodily Injury \$ _____
Date of Notice: 2/17/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/6/00 Place: 3412 Habersham Road, NW
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction cut in the roadway that was not properly covered and left in an unsafe condition. An investigation determined that United Water Services Atlanta performed work at the incident location. The claimant's claim has been forwarded is currently being resolved by United Water Services Atlanta.

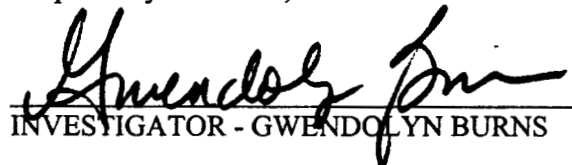
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

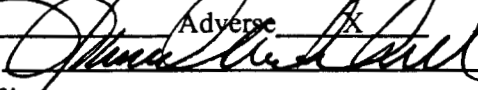
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

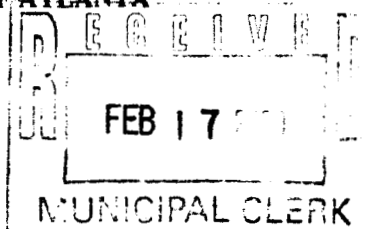
RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2I01 _____ 2H01 _____
Claims Manager:  Concur/date 10-20-00
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: February 14, 2000



02-17-00P04:52 RCLVD
ENTERED - 2-22-00 - SB
00L0079 - GWEN BURNS

39.90

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: January 6, 2000 (month/day/ year) 2. Time of Incident: 8:00 PM 3. Police called: Yes ☒ No ☒

4. Location of incident (including street address): 3412 Habersham Rd. N.W.

5. Name of your insurance company: St. Paul Policy No. PK06808600

6. State what and how incident occurred: Exposed utility cut in path of right wheel caused bottoming out of vehicle causing damage that disabled full relay mechanism, thereby disabling vehicle to hazard of passengers and other vehicles on roadway.

(SEE ATTACHED FOR FURTHER EXPLANATION OF INCIDENT)

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Mercury 1991 959MPF Philip Weltner
(Make) (Year) (Tag Number) (Driver's Name)

City: N/A
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Amelia Weltner 3251 Pinestream Road Atlanta, GA 30327
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Philip Weltner, Esq.

(Print Claimant's Name)

54 Olde Ivy Square

(Address)

Atlanta, GA 30342

(City, State and Zip Code)

404-562-6371

(Work Number)

404-841-9309

(Home Number)

Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30355

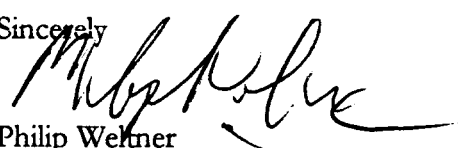
EXPLANATION OF INCIDENT

I am filing this claim to recover expenses arising damage to my vehicle caused by an unguarded and uncovered utility cut on January 6, 2000. The cut was patched over a few days after my encounter with it. The asphalt patching is still visible. It was probably six inches deep and located in the right side of the southwesterly lane of Habersham Road, Atlanta, N.W. approximately 100 feet up the hill from the intersection with Valley Road. Because the location of the cut was directly in the path of travel of the vehicle's right wheel, unmarked, and it was very dark (about 8:00 p.m.) and I was being followed closely by several cars behind me, I could not see the cut in time to safely swerve around it. Upon contact with the cut, I heard a very loud crash and immediately lost power. I was forced to and wait until traffic thinned enough to allow me to steer the vehicle backwards down the hill in neutral gear so that I could get it off of the busy, narrow roadway. I had to walk with my 11-year old daughter approximately 1 mile in the dark against speeding traffic in the dark and cross two major traffic arteries (Roswell Road and Piedmont Road) with motorists running red lights and ignoring pedestrian signals on foot to get to my home.

The next morning, January 7, I called AAA to tow the vehicle to Barron Garage. Because I am an AAA member, there was no charge for the towing. I enclose the invoice from Barron Garage, showing that the Fuel Relay switch was activated when the sensors registered a severe impact. The battery was recharged as a means of determining the cause of the loss of power, therefore it should also be reimbursed. I demand payment, therefore, of \$39.90 as reimbursement for damages.

I appreciate prompt payment of this claim.

Sincerely


Philip Welner

00-R-1734